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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/514,872	02/28/00	FARMWALD	M RA001C10

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LM01/0801

EXAMINER

AUVE, G

ART UNIT

PAPER NUMBER

2781

DATE MAILED: 08/01/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/514,872

Applicant(s)

Farmwald et al

Examiner

Glenn Aue

Group Art Unit

2781

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 151-175 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 151-175 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 2/28/2000 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 415
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 151-175 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claims include limitations directed to providing first and second portions of a first amount of data synchronous with external clock signal transitions. The specification does not provide any support for such limitations, and it would require undue experimentation by one of ordinary skill in the art to make or use the invention based on the specification as filed. Applicant has pointed to various parts of the specification as allegedly providing a basis for these claims. However, after examining the referenced sections of the specification it is clear that they do not provide any basis for these claims. The sections of the specification and drawings referenced by the applicant show various clocking circuits, I/O circuits, and system configuration, but they do not show the writing or reading of data from the memory device as is claimed.

Furthermore, claims 166 and 172 are rejected under 35 USC §112, 1st paragraph as being so-called single means claims. In these claims the only means claimed is output driver circuitry to provide first and second portions of the data in response to external clock signals. Since a single means claim covers all possible and conceivable means for achieving the stated results, the

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specification is required to disclose all possible and conceivable embodiments for carrying out the function. Applicant's specification fails to provide such a disclosure, therefore, the disclosure is not enabling. See In re Hyatt, 218 USPQ 195.

Double Patenting

2. The examiner has considered the possibility of double patenting in this application. The closest patented claims appear to be those issued in the immediate parent patent to this application, U.S. Pat. No. 6,032,214. However, those claims are directed to issuing read requests to the memory not the write requests claimed in the present application. Because they are directed to this opposite operation it does not appear as though a double patenting situation exists in this case.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Auvé whose telephone number is (703) 305-9638. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh, can be reached on (703) 305-9648. The fax phone number for this Group is (703) 308-6296.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Glenn A. Auvé
July 28, 2000


Glenn A. Auvé
Primary Examiner
Technology Center 2700